

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3   UNITED STATES OF AMERICA,

Case No.: 2:19-cr-0009-APG-NJK

4                   Plaintiff

**Order Accepting Report and  
Recommendation and Granting Motion to  
Suppress**

5   v.

6   RAYMOND LLOYD GROGINS,

[ECF Nos. 22, 46]

7                   Defendant

8           Defendant Raymond Grogins filed a motion to suppress statements he made to law  
9 enforcement officers and a shotgun the officers seized when he made those statements. ECF No.  
10 22. After conducting an evidentiary hearing, Magistrate Judge Koppe filed her Report &  
11 Recommendation recommending that the motion to suppress be granted. ECF No. 46. The  
12 Government objected to the Report & Recommendation solely on the ground that “the statements  
13 before discovery of the gun were proper under the public safety exception.” ECF No. 51 at 2. I  
14 therefore conducted a *de novo* review of the motion to suppress and related papers as required by  
15 Local Rule IB 3-2(b), but limited to the issue of the public safety exception. *Thomas v. Arn*, 474  
16 U.S. 140, 149 (1985) (district judge not required to conduct “any review at all . . of any issue that  
17 is not the subject of an objection”); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226  
18 (D.Ariz. 2003) (same).

19           Judge Koppe’s Report & Recommendation sets forth the proper legal analysis and the  
20 factual basis for the decision, and I accept and adopt it as my own. *See* ECF No. 46 at 13 n. 3. The  
21 body camera video of the incident confirms that the officers’ questioning of Grogins was not  
22 tailored to personal or public safety. The officer asked Grogins if he was a convicted felon,  
23 whether he was registered as a felon in Nevada, whether he was allowed to possess a weapon, and

1 who owned the gun. *See* ECF No. 25. Because these were investigatory questions, the public  
2 safety exception does not apply. *United States v Brady*, 819 F.2d 884, 887 (9th Cir. 1987); *United*  
3 *States v Carrillo*, 16 F.3d 1046, 1049-50 (9th Cir. 1994). The Government's objection fails.

4 I HEREBY ORDER that Magistrate Judge Koppe's Report & Recommendation (**ECF No.**  
5 **46**) **is accepted**. Mr. Grogins's motion to suppress (**ECF No. 22**) **is granted**.

6 DATED this 27th day of December, 2019.

7 

8 \_\_\_\_\_  
9 ANDREW P. GORDON  
10 UNITED STATES DISTRICT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23